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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/582,927	05/14/2007	Eduardo Compains	2003P01930WOUS	9211

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BSH HOME APPLIANCES CORPORATION  
INTELLECTUAL PROPERTY DEPARTMENT  
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EXAMINER
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WALDBAUM, SAMUEL A

ART UNIT	PAPER NUMBER
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1792

NOTIFICATION DATE	DELIVERY MODE
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10/09/2009

ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

NBN-IntelProp@bshg.com

<b>Office Action Summary</b>	<b>Application No.</b> 10/582,927	<b>Applicant(s)</b> COMPAINS ET AL.	
	<b>Examiner</b> SAMUEL A. WALDBAUM	<b>Art Unit</b> 1792	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 6/17/09.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 8-10 and 12-22 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 8-10 and 12-22 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Response to Amendment***

1. In the reply filed June 17, 2009 the applicant has amended claim 8 and 14, and cancelled claim 11. The previous rejection is hereby withdrawn in favor of the new rejection found below.

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

**Claims 8, 10, 14-16 and 17-21 rejected under 35 U.S.C. 103(a) as being unpatentable over Kim et al (U.S. pgpub. 2004/0103693, hereafter `693) in view of Valent (U.S. 5,860,300, hereafter `300).**

4. Claims 8 and 14: `693 teaches a housing (fig. 4, part 100, [0049] and [0050]) and a wash tub (fig. 4, part 200, [0052]), with a rotating drum mounted in the wash tub (fig. 4, part 300, [0054]), with a bellows type collar (fig. 4 and 5, part 510, [0066]) with an inner collar (fig. 5, part 511, [0068]), an outer collar ring (fig. 5, part 513, [0068]) and central collar ring (fig. 5, part 512,

Art Unit: 1792

[0068]). '693 teaches annular stiffening elements located on multiple locations of the gasket (fig. 5, parts 531, [0071]-[0074]) to prevent the deformation of the gasket/bellows (fig. 5, [0071]). '693 does not teach that the stiffening element is located on the central ring. All of the claimed elements were known in the prior art and one skilled in the art could have combined the elements as claimed by known methods with no change in their respective functions, and the combination would have yielded predictable results to one of ordinary skill in the art at the time of the invention, to have placed a annular stiffing element, which '693 teaches on the central ring of the bellows bellow the connection point of the inner and central ring of apparatus '693 to prevent the deformation of the central ring of the bellows.

Furthermore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have shifted the stiffening element form the inner or outer ring to the central ring bellow the connection point of the inner and central ring, since it has been held that rearranging parts of an invention involves only routine skill in the art. In re Japikse, 86 USPQ 70.

'693 does not teach an articulated section connecting the nose (the connecting point of the central and inner collar) and the annular stiffing element located on the central collar. '300 is a bellows for a washing machine. '300 teaches that the members of the bellows can have different thickness thus allowing the bellow member of different thickness to have different flexibility (fig. 4 and 5, shows that the bellows have different thickness along the length of the bellow, col. 3, lines 10-25). It would have been obvious to one of ordinary skill in the art to have made an articulator section (a thinner material section) as taught by '300 in the bellows collar

Art Unit: 1792

connecting the nose and the annular stiffening element (thus a non-visible location) of apparatus `693 to have different flexibility between the nose and the annular stiffening element.

It would have been obvious matter of design choice to made the articulated section (the area of the central ring between the nose and the annular stiffening element) smaller than the nose or the annular stiffening element, since such a modification would have involved a mere change in the size of a component. A change in size is generally recognized as being within the level of ordinary skill in the art. In re Rose, 105 USPQ 237 (CCPA 1955).

5. Claim 10: `693 teaches that the point where the inner ring and the central ring connect to each other is which lies closets to the drum (fig. 4 and 5).

6. Claim 15: `693 teaches a nose at the connection point of the inner ring and the central ring (fig. 5, part 532, [0075] and [0081]), where the nose is thicker than the central ring (fig. 5).

7. Claim 16: `693 teaches that thickened area of the nose extends radially outwardly from an the inner collar providing a uniform uninterrupted surface (fig. 5, the flat surface facing the opening, is uniform and uninterrupted from the inner ring to the end of the nose).

8. Claims 17-19: `693 teaches that the annular stiffening element is a rib/bead (fig. 5, part 531) or it can be a different shape ([0074]). See claim 11-13 for the thickness of the articulated section.

9. Claim 20: See claims 11-13 above for different thicknesses of a bellow collar. Therefore it is well within the ordinary skill level of one of ordinary skill in the art at the time the invention was made to have had the part of the central ring is thinner than the articulated section between the nose and the annular stiffening member located on the central ring.

It would have been obvious matter of design choice to have made the section of the central ring between the annular stiffening element and the outer nose (the connection point of the central ring and the outer ring) thinner than the articulated section, since such a modification would have involved a mere change in the size of a component. A change in size is generally recognized as being within the level of ordinary skill in the art. In re Rose, 105 USPQ 237 (CCPA 1955).

10. Claim 21: '693 teaches that the inner and outer collar rings are parallel and that the central ring is diagonal connecting the inner and outer ring (fig. 5).

**Claims 9 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kim et al (U.S. pgpub. 2004/0103693) in view of Valent (U.S. 5,860,300) as applied to claims 8 and 14 above, further in view of Deuring (U.S. 4,826,180, hereafter '180).**

'693 teaches all the limitations of claims 8 and 14.

11. Claims 9 and 22: '693 does not teach that the flexible material collar includes a flexible vulcanized metal ring. '180 is solving the same problem as the applicant of providing a stiffing/support element to a flexible/elastic material. '180 teaches that a metal ring is vulcanized to a flexible/elastic member to stiffen the flexible/elastic member (col. 1, lines 15-20). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have included a metal ring as taught by '180 vulcanized to the flexible/elastic bellows member of apparatus '693 in view of '300 to provide stiffening element to the bellows.

#### ***Response to Arguments***

12. Applicant's arguments filed June 17, 2009 have been fully considered but they are not persuasive.

Art Unit: 1792

13. Applicant argues that one of ordinary skill in the art would not look at Valent (5,860,300) to have modified Kim (2004/0103693). Valent is a bellows for a washing machine which one of ordinary skill in the art would have looked at related technology to see possible improvements.

14. Applicant is arguing that the prior art does not teach an articulated section (an area of the collar that is thinner) in the non-visible section of the collar between the nose and annular stiffening element. Kim teach that the collar has a non-visible section and that the annular stiffening element is located on the non-visible section (see above rejection). Valent teach that there is articulated section located on the non-visible element (more specifically figure 4, shows the thinning section on the non-visible part) to allow for flexibility in the collar (col. 3, lines 10-25). Thus is within the skill level of one of ordinary skill in the art a the time the invention was made to place the articulated section between the nose and the annular stiffening element to have made the collar flexible between the stiffening element and the nose.

### *Conclusion*

15. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

Art Unit: 1792

however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to SAMUEL A. WALDBAUM whose telephone number is (571)270-1860. The examiner can normally be reached on M-TR 5:45-3:15, every other F 5:45-2:15 est.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Cleveland can be reached on 571-272-1418. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/S. A. W./  
Examiner, Art Unit 1792

/FRANKIE L. STINSON/  
Primary Examiner, Art Unit 1792